

**INFORMATION SHEET**  
**DETERMINATIONS OF NO JURISDICTION FOR ISOLATED, NON-NAVIGABLE, INTRA-STATE WATERS**  
**RESULTING FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGENCY OF NORTHERN COOK**  
**COUNTY V. U.S. ARMY CORPS OF ENGINEERS**

**DISTRICT OFFICE:** LRP  
**FILE NUMBER:** 200500023

**REGULATORY PROJECT MANAGER:** Haberman      Date : May 2, 2005  
**PROJECT REVIEW/DETERMINATION**  
**COMPLETED:** In the office N (Y/N)      Date:  
At project site Y      Date: Mar 22, 2005

**PROJECT LOCATION INFORMATION:**

State: PA  
County: Allegheny  
Center coordinates of site by latitude & longitudinal coordinates:  
Approximate size of site/property (including uplands & in acres): 5  
Name of waterway or watershed: Turtle Creek

**SITE CONDITIONS:**

Type of aquatic resource <sup>1</sup>	0-1 ac	1-3 ac	3-5 ac	5-10 ac	10-25 ac	25-50 ac	> 50 ac	Linear feet	Unknown
Lake									
River									
Stream	X								
Dry Wash									
Mudflat									
Sandflat									
Wetlands			X						
Slough									
Prairie pothole									
Wet meadow									
Playa lake									
Vernal pool									
Natural pond									
Other water (identify type)									

<sup>1</sup>Check appropriate boxes that best describe type of isolated, non-navigable, intra-state water present and best estimate for size of non-jurisdictional aquatic resource area.

Migratory Bird Rule Factors <sup>1</sup> :	If Known		If Unknown Use Best Professional Judgment		
	Yes	No	Predicted to Occur	Not Expected to Occur	Not Able To Make Determination
Is or would be used as habitat for birds protected by Migratory Bird Treaties?			X		
Is or would be used as habitat by other migratory birds that cross state lines?			X		
Is or would be used as habitat for endangered species?				x	
Is used to irrigate crops sold in interstate commerce?		x			

<sup>1</sup>Check appropriate boxes that best describe potential for applicability of the Migratory Bird Rule to apply to onsite, non-jurisdictional, isolated, non-navigable, intra-state aquatic resource area.

**TYPE OF DETERMINATION:** Preliminary \_\_ Or Approved x

**ADDITIONAL INFORMATION SUPPORTING NJD** (e.g., paragraph 1 – site conditions; paragraphs 2-3 – rationale used to determine NJD, including information reviewed to assess potential navigation or interstate commerce connections; and paragraph 4 – site information on waters of the U.S. occurring onsite): Isolated wetland had no visible surface water connections to waters of the United States. The approximate 10 acre site has been highly industrialized during the past 200 years and as a result this area is not longer hydrologically connected to the nearby Turtle Creek nor any other watercourse. Turtle Creek is contained in an approximately 20' high wall channel on the far side of a railroad track. Between the railroad and the wetland is a constructed concrete work platform and an earthen mound. Due to its location in the vicinity of a large watercourse, approximately 5 miles upstream of the Monongahela River, it is very possible that migratory birds would use the corridor and this wetland in their travels. There are no known ES in the vicinity that would use the site.

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**COUNTY V. U.S. ARMY CORPS OF ENGINEERS**

**DISTRICT OFFICE:**  
**FILE NUMBER:**

**LRP**  
**200500971**

**REGULATORY PROJECT MANAGER:** Edris      **Date:** March, 2005  
**PROJECT REVIEW/DETERMINATION COMPLETED:**      **In the office Y (Y/N)**      **Date:** April 21, 2005  
    **At the project site Y (Y/N)**      **Date:** April 18, 2005

**PROJECT LOCATION INFORMATION:**

**State:** Pennsylvania  
**County:** Erie  
**Center coordinates of site by latitude & longitudinal coordinates:**  
**Approximate size of site/property (including uplands & in acres):** 30 acres  
**Name of waterway or watershed:** Lake Erie

**SITE CONDITIONS:**

Type of aquatic resource <sup>1</sup>	0-1 ac	1-3 ac	3-5 ac	5-10 ac	10-25 ac	25-50 ac	> 50 ac	Linear feet	Unknown
Lake									
River									
Stream									
Dry Wash									
Mudflat									
Sandflat									
Wetlands									
Slough									
Prairie pothole									
Wet meadow									
Playa lake									
Vernal pool									
Natural pond									
Other water (identify type)	0.63								
Isolated waters									

<sup>1</sup>Check appropriate boxes that best describe type of isolated, non-navigable, intra-state water present and best estimate for size of non-jurisdictional aquatic resource area.

Migratory Bird Rule Factors <sup>1</sup> :	If Known		If Unknown Use Best Professional Judgment		
	Yes	No	Predicted to Occur	Not Expected to Occur	Not Able To Make Determination
Is or would be used as habitat for birds protected by Migratory Bird Treaties?				X	
Is or would be used as habitat by other migratory birds that cross state lines?				X	
Is or would be used as habitat for endangered species?				X	
Is used to irrigate crops sold in interstate commerce?		x			

<sup>1</sup>Check appropriate boxes that best describe potential for applicability of the Migratory Bird Rule to apply to onsite, non-jurisdictional, isolated, non-navigable, intra-state aquatic resource area.

**TYPE OF DETERMINATION:** Preliminary \_\_ Or Approved x

**ADDITIONAL INFORMATION SUPPORTING NJD** (e.g., paragraph 1 – site conditions; paragraphs 2-3 – rationale used to determine NJD, including information reviewed to assess potential navigation or interstate commerce connections; and paragraph 4 – site information on waters of the U.S. occurring onsite): Isolated wetland had no visible surface water connections to waters of the United States.

Four wetlands totaling 0.63 acre were determined to be isolated having no surface water connections to Waters of the United States.

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**COUNTY V. U.S. ARMY CORPS OF ENGINEERS**

**DISTRICT OFFICE:**  
**FILE NUMBER:**

**LRP**  
**200500973**

**REGULATORY PROJECT MANAGER:** Edris      **Date:** March, 2005  
**PROJECT REVIEW/DETERMINATION COMPLETED:**      **In the office Y (Y/N)**      **Date:** April 26, 2005  
    **At the project site Y (Y/N)**      **Date:** April 11, 2005

**PROJECT LOCATION INFORMATION:**

**State:** Pennsylvania  
**County:** Erie  
**Center coordinates of site by latitude & longitudinal coordinates:**  
**Approximate size of site/property (including uplands & in acres):** 60 acres  
**Name of waterway or watershed:** Lake Erie

**SITE CONDITIONS:**

Type of aquatic resource <sup>1</sup>	0-1 ac	1-3 ac	3-5 ac	5-10 ac	10-25 ac	25-50 ac	> 50 ac	Linear feet	Unknown
Lake									
River									
Stream									
Dry Wash									
Mudflat									
Sandflat									
Wetlands									
Slough									
Prairie pothole									
Wet meadow									
Playa lake									
Vernal pool									
Natural pond									
Other water (identify type)		1.60							
Isolated waters									

<sup>1</sup>Check appropriate boxes that best describe type of isolated, non-navigable, intra-state water present and best estimate for size of non-jurisdictional aquatic resource area.

Migratory Bird Rule Factors <sup>1</sup> :	If Known		If Unknown Use Best Professional Judgment		
	Yes	No	Predicted to Occur	Not Expected to Occur	Not Able To Make Determination
Is or would be used as habitat for birds protected by Migratory Bird Treaties?				X	
Is or would be used as habitat by other migratory birds that cross state lines?				X	
Is or would be used as habitat for endangered species?				X	
Is used to irrigate crops sold in interstate commerce?		x			

<sup>1</sup>Check appropriate boxes that best describe potential for applicability of the Migratory Bird Rule to apply to onsite, non-jurisdictional, isolated, non-navigable, intra-state aquatic resource area.

**TYPE OF DETERMINATION:**

Preliminary ☐      Or      Approved ☒ x

**ADDITIONAL INFORMATION SUPPORTING NJD (e.g., paragraph 1 – site conditions; paragraphs 2-3 – rationale used to determine NJD, including information reviewed to assess potential navigation or interstate commerce connections; and paragraph 4 – site information on waters of the U.S. occurring onsite):** Isolated wetland had no visible surface water connections to waters of the United States.

Three wetlands totaling 1.60 acre were determined to be isolated having no surface water connections to Waters of the United States.

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**DISTRICT OFFICE:** LRP  
**FILE NUMBER:** 200500189

**REGULATORY PROJECT MANAGER:** Mullen **Date:** 01 April 2005  
**PROJECT REVIEW/DETERMINATION COMPLETED:** In the office (Y/N) Y **Date:** 08 Feb 2005  
At the project site (Y/N) Y **Date:** 14 Mar 2005

**PROJECT LOCATION INFORMATION:**

**State:** PA  
**County:** Westmoreland  
**Center coordinates of site by latitude & longitudinal coordinates:**  
**Approximate size of site/property (including uplands & in acres):** 28 acres  
**Name of waterway or watershed:** Allegheny River

**SITE CONDITIONS:**

Type of aquatic resource <sup>1</sup>	0-1 ac	1-3 ac	3-5 ac	5-10 ac	10-25 ac	25-50 ac	> 50 ac	Linear feet	Unknown
Lake									
River									
Stream									
Dry Wash									
Mudflat									
Sandflat									
Wetlands	X								
Slough									
Prairie pothole									
Wet meadow									
Playa lake									
Vernal pool									
Natural pond									
Other water (identify type)									

<sup>1</sup>Check appropriate boxes that best describe type of isolated, non-navigable, intra-state water present and best estimate for size of non-jurisdictional aquatic resource area.

Migratory Bird Rule Factors <sup>1</sup> :	If Known		If Unknown Use Best Professional Judgment		
	Yes	No	Predicted to Occur	Not Expected to Occur	Not Able To Make Determination
Is or would be used as habitat for birds protected by Migratory Bird Treaties?				X	
Is or would be used as habitat by other migratory birds that cross state lines?				X	
Is or would be used as habitat for endangered species?				X	
Is used to irrigate crops sold in interstate commerce?	X				

<sup>1</sup>Check appropriate boxes that best describe potential for applicability of the Migratory Bird Rule to apply to onsite, non-jurisdictional, isolated, non-navigable, intra-state aquatic resource area.

**TYPE OF DETERMINATION:** Preliminary \_\_ Or Approved X

**ADDITIONAL INFORMATION SUPPORTING NJD** (e.g., paragraph 1 – site conditions; paragraphs 2-3 – rationale used to determine NJD, including information reviewed to assess potential navigation or interstate commerce connections; and paragraph 4 – site information on waters of the U.S. occurring onsite): Wetland W-32 was found to be an isolated wetland and had no visible surface water connection to waters of the United States. Wetland W-50 is a ditch and not regulated by the Corps of Engineers.

DISTRICT OFFICE:  
FILE NUMBER:

LRP  
200500624

REGULATORY PROJECT MANAGER: Edris Date: March 9, 2005  
PROJECT REVIEW/DETERMINATION COMPLETED: In the office Y (Y/N) Date: April 15, 2005  
At the project site Y (Y/N) Date: March 23, 2005

**PROJECT LOCATION INFORMATION:**

State: West Virginia  
County: Barbour and Randolph  
Center coordinates of site by latitude & longitudinal coordinates:  
Approximate size of site/property (including uplands & in acres): 35 acres  
Name of waterway or watershed: Beaver Creek

**SITE CONDITIONS:**

Type of aquatic resource <sup>1</sup>	0-1 ac	1-3 ac	3-5 ac	5-10 ac	10-25 ac	25-50 ac	> 50 ac	Linear feet	Unknown
Lake									
River									
Stream									
Dry Wash									
Mudflat									
Sandflat									
Wetlands									
Slough									
Prairie pothole									
Wet meadow									
Playa lake									
Vernal pool									
Natural pond									
Other water (identify type)	.198								
Pit impoundments									

<sup>1</sup>Check appropriate boxes that best describe type of isolated, non-navigable, intra-state water present and best estimate for size of non-jurisdictional aquatic resource area.

Migratory Bird Rule Factors <sup>1</sup> :	If Known		If Unknown Use Best Professional Judgment		
	Yes	No	Predicted to Occur	Not Expected to Occur	Not Able To Make Determination
Is or would be used as habitat for birds protected by Migratory Bird Treaties?				X	
Is or would be used as habitat by other migratory birds that cross state lines?				X	
Is or would be used as habitat for endangered species?				X	
Is used to irrigate crops sold in interstate commerce?		x			

<sup>1</sup>Check appropriate boxes that best describe potential for applicability of the Migratory Bird Rule to apply to onsite, non-jurisdictional, isolated, non-navigable, intra-state aquatic resource area.

**TYPE OF DETERMINATION:**

Preliminary \_\_ Or Approved x

**ADDITIONAL INFORMATION SUPPORTING NJD** (e.g., paragraph 1 – site conditions; paragraphs 2-3 – rationale used to determine NJD, including information reviewed to assess potential navigation or interstate commerce connections; and paragraph 4 – site information on waters of the U.S. occurring onsite): Isolated wetland had no visible surface water connections to waters of the United States.

The open water impoundments were the results of past mining activities. No surface water connection to Waters of the U.S. existed.